

WILMERHALE

September 25, 2014

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**VIA ECF & FACSIMILE**

Hon. Laura Taylor Swain  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

**Re: Harvey H. Jay, M.D., v. Spectrum Brands Holdings, Inc., et al., 13-cv-8137 (LTS)  
(DCF)**

Dear Judge Swain,

In accordance with Your Honor's Individual Practices, and Local Rule 7.1(d), the parties jointly submit this Letter Motion respectfully requesting that they be permitted to file an additional five (5) pages for each of Defendants' Responsive, and Plaintiff's Reply Claim Construction Briefs, taking the maximum page limits for these briefs to forty-five (45) and fifteen (15), respectively.

The Court previously ordered that the parties Opening and Responsive Claim Construction Briefs could be a maximum of forty (40) pages each. D.I. 38.

Defendants seek these additional pages to enable them to fairly address for the Court the background technology, the five asserted patents and their prosecution histories (including two re-examinations), the 30 disputed claim terms from 44 asserted claims, and the issues raised in Plaintiff's Opening Claim Construction Brief. Defendants have endeavored to be as succinct as possible, but cannot fairly cover all of this material in their single permitted claim construction brief in forty pages or less, and so respectfully request five additional pages in which to do so. The Plaintiff has agreed with this request if he can have five additional pages for his Reply Brief.

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Respectfully submitted,

Dated: September 25, 2014

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